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JS 44C/SDNY REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

| PLAINTIFFS | | | DEFENDANTS | | | | | | | | | |
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| Securities Investor P | Protection Corp. | | Bernard L. Madoff Investment Securities LLC. | | | | | | | | | |
| ATTORNEYS (FIRM NAM | ME, ADDRESS, AND TEL | EPHONE NUMBER | ATTORNEYS (IF KNOWN) Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111 (212) 589-4200, attorneys for Trustee | | | | | | | | | |
| Becker & Poliakoff LI 10006 (212) 599-332 | | | | | | | | | | | | |
| CAUSE OF ACTION (CIT) | E THE U.S. CIVIL STATUTE NOT CITE JURISDICTIONAL | UNDER WHICH YOU ARE FI L STATUTES UNLESS DIVER | LING AND WRITE A BRIEF S RSITY) | · · · · · · · · · · · · · · · · · · · | | | | | | | | |
| Has this or a similar case | been previously filed in S | DNY at any time? No? ✓ | Yes? Judge Previo | ously Assigned | | | | | | | | |
| If yes, was this case Vol. | ☐ Invol. ☐ Dismissed | No□ Yes□ If yes, | give date | & Case No. | | | | | | | | |
| (PLACE AN [x] IN ONE B | OX ONLY) | NATURE | OF SUIT | | | | | | | | | |
| | | | AC | CTIONS UNDER STATUTES | | | | | | | | |
| | TORTS | 1 | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | | | | | | | |
| CONTRACT [] 110 INSURANCE [] 120 MARINE [] 130 MILLER ACT [] 140 NEGOTIABLE INSTRUMENT [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDOMENT [] 151 MEDICARE ACT [] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS) [] 153 RECOVERY OF OVETERAN'S BENEFITS [] 160 STOCKHOLDERS SUITS [] 190 OTHER CONTRACT [] 195 CONTRACT PRODUCT LIABILITY [] 186 FRANCHISE REAL PROPERTY [] 210 LAND CONDEMNATION [] 220 FORECLOSURE I 230 FORECLOSURE EJECTMENT [] 240 TORTS TO LAND [] 246 TORTS PRODUCT LIABILITY [] 247 TORTS TO LAND [] 248 TORTS PRODUCT LIABILITY [] 290 ALL OTHER REAL PROPERTY | PERSONAL INJURY 310 AIRPLANE 315 AIRPLANE PRODUCT LIABILITY 320 ASSAULT, LIBEL & SLANDER 330 FEDERAL EMPLOYERS' LIABILITY 340 MARINE 345 MARINE PRODUCT LIABILITY 350 MOTOR VEHICLE PRODUCT LIABILITY 360 OTHER PERSONAL INJURY ACTIONS UNDER STATUTES CIVIL RIGHTS 341 VOTING 342 EMPLOYMENT 343 HOUSING/ ACCOMMODATIONS 344 WELFARE 345 AMERICANS WITH DISABILITIES - EMPLOYMENT 346 AMERICANS WITH DISABILITIES - EMPLOYMENT 348 OTHER CIVIL RIGHTS | PERSONAL INJURY [] 362 PERSONAL INJURY- MED MALPRACTICE [] 365 PERSONAL INJURY PRODUCT LIABILITY PRODUCT LIABILITY PERSONAL PROPERTY [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING [] 380 OTHER PERSONAL PROPERTY DAMAGE PROPE | [] 630 LIQUOR LAWS [] 640 RR & TRUCK [] 650 AIRLINE REGS [] 660 OCCUPATIONAL SAFETY/HEALTH [] 690 OTHER LABOR [] 710 FAIR LABOR STANDARDS ACT [] 720 LABOR/MGMT RELATIONS [] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT [] 740 RAILWAY LABOR ACT [] 790 OTHER LABOR LITIGATION [] 791 EMPL RET INC SECURITY ACT IMMIGRATION [] 462 NATURALIZATION APPLICATION | X) 422 APPEAL 28 USC 158 [] 423 WITHDRAWAL 28 USC 157 PROPERTY RIGHTS [] 820 COPYRIGHTS [] 840 TRADEMARK SOCIAL SECURITY [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWW (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g)) FEDERAL TAX SUITS [] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609 | [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 460 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCE & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV [] 810 SELECTIVE SERVICE [] 860 SECURITIES/ COMMODITIES/ EXCHANGE [] 875 CUSTOMER CHALLENGE 12 USC 3410 [] 890 OTHER STATUTORY ACTIONS [] 891 AGRICULTURAL ACTS [] 892 ECONOMIC STABILIZATION ACT [] 893 ENVIRONMENTAL MATTERS [] 894 ENERGY ALLOCATION ACT [] 895 FREEDOM OF INFORMATION ACT [] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE [] 950 CONSTITUTIONALITY OF STATE STATUTES | | | | | | | |
| Check if demanded | l in complaint: | | | | | | | | | | | |
| CHECK IF THIS IS UNDER F.R.C.P. 2 | A CLASS ACTION 3 | DO YOU CLAIM IF SO, STATE: | THIS CASE IS RELATED | ED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? | | | | | | | | |
| DEMAND \$ | OTHER | JUDGE | DOCKET NUMBER | | | | | | | | | |
| Check YES only if deman | | NOTE: Places | outmit at the time of filling | an explanation of why car | non are doomed related | | | | | | | |

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| 1 Original Proceedin | g | State b .Remo State at lea | oved from Court oved from Court ANE st one Is pro se. | | Remanded Appellate C | | 4 Reinstate Reopene | _ | _ | Transferred from | | Multidistrict Litigation | □ 7 | Judge f | ate Judge |
| (PLACE AN x | IN ONE BO. | X ONL | 0 | | 3 | BASIS | OF JURI | ISDICTIO | ΟN | | | IF DIV | ERSITY | , INDI | CATE |
| 1 U.S. PLA | AINTIFF |]2 U.S | . DEFEN | IDANT | | | QUESTION A PARTY) | | I DI | VERSITY | | | ENSHIP SC 1322 | | |
| | | Cl | TIZENS | SHIP C | F PRING | CIPAL F | PARTIES | G (FOR E | IVI | ERSITY CA | SES | ONLY) | | | |
| (Place a | an [X] in one | box for | Plaintiff a | and one | box for De | efendant) | | | | | | | | | |
| CITIZEN OF THIS | STATE | | DEF []1 | | EN OR SUB REIGN COUT | | A | | PTF DEF []3 []3 INCORPORATED <u>and PRING</u> OF BUSINESS IN ANOTHER | | | | PTF [] 5 | DEF [] 5 | |
| CITIZEN OF ANO | THER STATE | [] 2 | []2 | | RPORATED BUSINESS I | | | E []4[|] 4 | FOREIGN | NATIO | N | | []6 | []6 |
| PLAINTIFF(S |) ADDRES | S(ES) . | AND CC | UNTY | (IES) | - | | · · · · · · · · · · · · · · · · · · · | | | | | | | |
| Securities In | vestor Pro | tectio | n Corp. | , 805 | Fifteenth | Street, | N.W., S | uite 800 | , W | ashington l | D.C. 2 | 0005 | | | |
| Marsha Pes Becker & Po 45 Broadwa New York, N | liakoff LLF y, 8th Floc | j | group | of oth | er custor | mers, A | ppellant | S | | Z | | | | | ÷ |
| DEFENDANT Bernard L. A. c/o Irving H. Baker & Hos 45 Rockefell | /ladoff Inve Picard, Tr stetler | estme | nt Secu | | , . | | | | | | | | | | |
| New York, N | | | | | | | | • | | | | | | | |
| DEFENDANT REPRESEI RESIDENCE A | NOITATÍ | HEREE | SY MADE | THAT, | AT THIS DEFENDA | TIME, I H. NTS: | AVE BEEI | N UNABLE | ., W | ITH REASON | IABLE I | DILIGENCE, | TO ASCE | RTAIN | THE |
| | | | | | | | | | | | | | | | |
| | THIS ACT | | | | | | | WHITE | PL | _AINS | 7 | MANHAT | TAN | , , , , , , , , , , , , , , , , , , , | |
| DATE 4/11/ RECEIPT# | // sign | l M | OF ATT | rorne' | Y OF REC | ORD | | | [] [x] | MITTED TO NO YES (DATE comey Bar Co | ADMIT | | | |) |
| Magistrate J | udge is to | be de | signate | d by th | ne Clerk | of the C | ourt. | | | | | | | | |
| Magistrate J | - | | | - | | | | | | | _ is so | Designate | ed. | | |
| Ruby J. Kraj | | | | | | | | DATED_ | | | | <u> </u> | | | |
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UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)